

1 Jennie Lee Anderson (SBN 203586)
2 **ANDRUS ANDERSON LLP**
3 155 Montgomery Street, Suite 900
4 San Francisco, California 94104
5 Telephone: (415) 986-1400
6 Facsimile: (415) 986-1474
7 jennie@andrusanderson.com

8 Adam J. Levitt (Admitted *pro hac vice*)
9 **DICELLO LEVITT GUTZLER LLC**
10 Ten North Dearborn Street, Sixth Floor
11 Chicago, Illinois 60602
12 Telephone: (312) 214-7900
13 Facsimile: (312) 253-1443
14 alevitt@dicellosevitt.com

15 Attorneys for Plaintiffs and the Proposed Class
16 [Additional Counsel Listed on Next Page]

17 UNITED STATES DISTRICT COURT
18 FOR THE NORTHERN DISTRICT OF CALIFORNIA
19 SAN FRANCISCO DIVISION

20 **MENOMINEE INDIAN TRIBE OF
21 WISCONSIN, et al.**, individually and on
22 behalf of all others similarly situated,

23 Plaintiffs,

24 v.

25 **LEXINGTON INSURANCE
26 COMPANY, et al.,**

27 Defendants.

28 CASE NO. 3:21-cv-00231-WHO

29 **PLAINTIFFS' NOTICE OF APPEAL
30 FROM ORDER GRANTING
31 DEFENDANTS' MOTION TO DISMISS**

32 Hon. William H. Orrick

33 3:21-CV-00231-WHO

34 PLAINTIFFS' NOTICE OF APPEAL FROM ORDER GRANTING DEFENDANTS' MOTION TO DISMISS

1 [Additional Counsel]
2

3 Mark A. DiCello*
4 Kenneth P. Abbaro (*pro hac vice*)
5 Mark M. Abramowitz*
6 **DICELLO LEVITT GUTZLER LLC**
7 7556 Mentor Avenue
Mentor, Ohio 44060
Telephone: (440) 953-8888
madicello@dicellosevitt.com
kabbaro@dicellosevitt.com
mabramowitz@dicellosevitt.com

8 Timothy W. Burns (*pro hac vice*)
9 Jeff J. Bowen (SBN 237805)
10 **BURNS BOWEN BAIR LLP**
11 10 E. Doty Street, Suite 600
Madison, WI 53703-3392
Telephone: (608) 286-2302
tburns@bbblawllp.com
jbowen@bbblawllp.com

11 W. Mark Lanier*
12 Alex Brown*
THE LANIER LAW FIRM PC
13 10940 West Sam Houston Parkway North
14 Suite 100
15 Houston, Texas 77064
16 Telephone: (713) 659-5200
17 WML@lanierlawfirm.com
18 alex.brown@lanierlawfirm.com

19 Douglas Daniels*
DANIELS & TREDENNICK
20 6383 Woodway, Suite 700
21 Houston, Texas 77057
22 Telephone: (713) 917-0024
23 Douglas.daniels@dtlawyers.com

24 Attorneys for Plaintiffs and the Proposed
25 Class

26 *Application for admission *pro hac vice* to be
27 filed.

Notice is hereby given that Plaintiffs Menominee Indian Tribe of Wisconsin, Menominee Indian Gaming Authority d/b/a Menominee Casino Resort, and Wolf River Development Company, individually and on behalf of all others similarly situated in the above-named action, hereby appeal to the United States Court of Appeals for the Ninth Circuit from the Order (Dkt. 109) and Judgment (Dkt. 110) granting Defendants' motion to dismiss, both of which were entered on August 23, 2021.

Defendants are: (1) Lexington Insurance Company; (2) Underwriters at Lloyd's – Syndicates: ASC1414, TAL 1183, MSP 318, ATL1861, KLN 510, AGR 3268; (3) Underwriters at Lloyd's - Syndicate: CNP 4444; (4) Underwriters at Lloyd's - Aspen Specialty Insurance Company; (5) Underwriters at Lloyd's - Syndicates: KLN 0510, ATL 1861, ASC 1414, QBE 1886, MSP 0318, APL 1969, CHN 2015; (6) Underwriters at Lloyd's – Syndicate: BRT 2987; (7) Underwriters at Lloyd's - Syndicates: KLN 0510, TMK 1880, BRT 2987, BRT 2988, CNP 4444, ATL 1861, Neon Worldwide Property Consortium, AUW 0609, TAL 1183, AUL 1274; (8) Homeland Insurance Company of New York; (9) Hallmark Specialty Insurance Company; (10) Endurance Worldwide Insurance Ltd t/as Sompo International; (11) Arch Specialty Insurance Company; (12) Evanston Insurance Company; (13) Allied World National Assurance Company; (14) Liberty Mutual Fire Insurance Company; (15) Landmark American Insurance Company; (16) XL Catlin Insurance Company UK Ltd; and (17) SRU Doe Insurers 1-20.

Pursuant to Fed. R. App. P. 4(a)(1)(A), this Notice is timely filed within thirty days after entry of the Judgment and Order appealed from. Plaintiffs' Representation Statement is filed herewith.

1 DATED: September 20, 2021.

Respectfully submitted,

2 **ANDRUS ANDERSON LLP**

3 By: /s/ *Jennie Lee Anderson*
Jennie Lee Anderson

4 *Attorneys for Plaintiffs and Proposed Class*

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system on September 20, 2021.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California on September 20, 2021.

/s/ *Jennie Lee Anderson*
Jennie Lee Anderson